

REMARKS

Claims 1-6 have been canceled. Claims 7-8 have been added. Therefore, claims 7-8 are pending. Applicants reserve the right to pursue the original claims in this and other applications.

Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,831,737 to Uto et al. ("Uto"). Although the rejection is obviated in view of the cancellation of claims 1-6, Applicants present the following remarks with respect to Uto.

The Office Action stated, with respect to claims 2 and 5, that the member indicated by numeral 30 in FIG. 1 of Uto is equivalent to the "beam spot positioning sensor" in the claimed invention; and that the member indicated by numeral 13 in FIG. 1 of Uto is equivalent to the "beam profile observation camera" as in the claimed invention. Applicants respectfully disagree.

In fact, the element indicated by numeral 30 in Uto is an observation optical system for observing an aerial image formed by the light reflected from an object irradiated with a laser 3; and the element indicated by reference 13 in Uto is an image sensor (such as a CCD or a TDI-type sensor) for capturing the image formed by the imaging lens 12. As taught by Uto, these members enable defect inspection on an object based on the changes in light reflected from the object due to the presence of defects and foreign matters on the object surface.

On the other hand, the defect inspection apparatus of the present invention inspects the laser beam from the laser beam source with the beam spot positioning sensor and the beam profile observation camera before the laser beam is irradiated onto the sample surface (see FIG. 2, reference numerals 32 and 31 of the present application).

The present invention employs this arrangement such that the laser beam is irradiated accurately onto the desired position on the sample surface by optically adjusting the laser beam before irradiation of the sample. Thus, the adjustment of the laser beam is automatically carried out by means of the first and second control mechanisms.

For at least these reasons, the claimed invention, as embodied by claims 7 and 8 is not anticipated by Uto. Withdrawal of the outstanding rejection is requested, and favorable action on claims 7-8 is solicited.

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